REMARKS

Summary of the Office Action

Claims 1, 3-13, and 15-21 are pending in this application.

Claims 1, 3, 6, 7, 9-12, 17, 18 and 20 have been rejected as allegedly anticipated by U.S. Patent No. 4,569,347 to Frisbie ("Frisbie").

Claims 4, 5, 8, and 21 have been rejected as allegedly obvious over Frisbie in view of U.S. Patent No. 5,573,520 to Schwartz ("Schwartz").

Claim 13 has been rejected as allegedly obvious over Frisbie in view of U.S. Patent No. 5,902,254 to Magram ("Magram"). Applicant believes that the rejection of claim 12 instead of 13 on page 4 of the Office Action was due to a typing error.

Claims 15 and 19 have been rejected as allegedly obvious over Frisbie in view of U.S. Patent No. 6,475,209 to Larson et al. ("Larson").

Claim 16 has been rejected as allegedly obvious over Frisbie in view of Schwartz and further in view of Larson.

Applicants' Response

The Anticipation Rejection under 35 U.S.C. § 102(b)

Applicants have amended independent claims 1 and 17 to patentably distinguish over Frisbie. In particular, independent claim 1 has been amended to recite that the bending section is included in the catheter shaft and that the catheter shaft has "a permanently affixed bending section" and "a fluid impermeable covering disposed to seal the plurality of the offset cuts." Support for these recitations can be found in FIG. 1 and in the

related description of the specification, e.g. at paragraphs [0031]-[0033].

As amended, independent claims 1 and 17 cannot be read to encompass Frisbie's invention. Frisbie is directed to a catheter introducing device to be used for inserting a dilatation catheter into a guiding catheter. This device essentially consists of a flexible tubular member formed of a flexible material that includes a guide tube 12, which is temporarily wrapped-around the catheter shaft and which does not form part of the catheter. Accordingly, tube 12 is not a catheter and does not meet the limitations of amended claims 1 and 17 that the bending section be "permanently affixed" to the catheter, because tube 12 is removed after insertion of the dilatation catheter.

Additionally, tube 12 of Frisbie includes a pull member at one end and a spiral cut along its entire length. On the contrary, Applicants' invention is directed to a catheter that comprises a proximal end that has a spiral cut or a plurality of offset cut, that is an integral part of the catheter, and that is sealed against fluid losses by an impermeable covering disposed over the cuts. No pull members are included nor necessary in Applicants' invention, because the portion of the catheter having the spiral or offset cuts is a part the catheter itself. It is noteworthy that Frisbie does mention any kink-prevention properties for its tubular device, while the purpose and disposition of Applicants' offset cuts is to avoid a kinking of the catheter tube, as discussed in the specification.

Applicants have also amended claim 7 to introduce proper claim dependency, claim 10 to introduce the spiral spring element described in paragraph [0015] of the specification, and claim 11 to describe the invention with greater clarity.

Applicants submit that claims 3, 7, 9-12, and 20 are not anticipated by Frisbie for the same reasons as independent claims 1 or 17, from which claims 3, 7, 9-12, and 20 depend.

The Obviousness Rejections under 35 U.S.C. § 103(a)

Applicants have amended claim 4 to remove an unnecessary limitation on the direction of the offset cuts. See, e.g., FIG. 3, showing cuts not perpendicular to the catheter's axis. Applicants have also amended claim 15, to introduce proper claim dependency.

Because claims 1 and 17 have been amended to distinguish over Frisbie, Applicants submit that the obviousness rejection of claims 4, 15, and 19 under the Frisbie, Schwartz and/or Larson combination must fail, considering that neither the Schwartz nor Larson teach or suggest the limitations that are absent from Frisbie.

Schwartz discloses an encasing that covers a tubular member and that includes a plurality of apertures throughout the entire length of the tubular member. Larson instead discloses a transition tube that has a spiral cut along its length and that is disposed in an annular spacing between an outer tube and an inner tube. Applicants submit that the combination of Frisbie with Schwartz and/or Larson not only fails to provide the limitations present in Applicants' invention, but also that Frisbie provides no teaching or suggestion that would have motivated one of ordinary skill in the art to combine Larson and/or Schwartz with Frisbie to produce Applicants' invention.

Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 4, 15, and 19 under 35 U.S.C. § 103(a).

New Claims

New independent claim 22 is directed to a catheter having a plurality of spheres mounted on the proximal end of the catheter shaft to provide for a kink-free bending of the shaft. Support can be found in the specification, e.g., at paragraph [0017].

New dependent claims 23-25 are directed to modes of affixing the plurality of spheres to the shaft. Support can be found in the specification, e.g., at paragraph [0017].

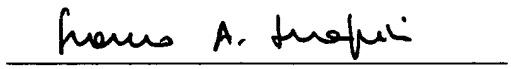
Applicants submit that the structure recited in new claims 22-25 is not anticipated by the combination of Frisbie and Magram. Frisbie does not anticipate the limitations of Applicants' invention, as demonstrated above, while Magram is directed to a guidewire having a plurality of spheres disposed at the distal end to provide a smoother progression of the guide wire. On the contrary, Applicants' invention is directed to a catheter having a plurality of spheres disposed at the proximal end to improve catheter bending.

CONCLUSION

In view of the foregoing amendment and comments, Applicants respectfully submit that the present application is now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

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Respectfully submitted,



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